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26 *See Signature Block for Additional Counsel

27 UNITED STATES DISTRICT COURT
 28 DISTRICT OF NEVADA

29 FRANK J. FOSBRE, JR., Individually and 30 On Behalf of All Others similarly 31 Situated,	32 Plaintiff,	33) Case No. 2:10-cv-00765-KJD-GWF 34) CLASS ACTION
35 v.	36)	37) MOTION TO EXTEND TIME 38) TO ANSWER OR OTHERWISE 39) RESPOND TO SECOND 40) AMENDED COMPLAINT 41) (First Request)
42 LAS VEGAS SANDS CORP., et al.,	43 Defendants.	44)
45 SHIRLEY and WENDELL COMBS, On 46 Behalf of Themselves and All Others 47 Similarly Situated,	48 Plaintiffs,	49) Consolidated with: 50) Case No. 2:10-cv-00120-KJD-GWF
51 v.	52)	53)
54 LAS VEGAS SANDS CORP., et al.,	55 Defendants.	56)

Defendants Las Vegas Sands Corp., Sheldon G. Adelson and William P. Weidner ("Defendants") hereby move this Court for an order extending the time for Defendants to answer the Second Amended Class Action Complaint. This motion, which is Defendants' first request for such an extension, is made pursuant to LR 6-1 and is based on the attached declaration of counsel and the following points and authorities.

Lead Plaintiffs Pompano Beach Police & Firefighters' Retirement System and Alaska Electrical Pension Fund ("Plaintiffs") filed a Consolidated Amended Class Action Complaint ("Consolidated Complaint") in the above-captioned action on November 1, 2010. (# 22). The Consolidated Complaint was 115 pages long and contained 297 paragraphs challenging a large number of statements made by Defendants over a fifteen-month putative class period. *Id.* On August 24, 2011, this Court issued an order granting in part and denying in part Defendants' Motion to Dismiss the Consolidated Class Action Complaint. (# 55). On July 11, 2012, this Court issued an order granting in part and denying in part Defendants' Motion for Partial Reconsideration of the Court's Order dated August 24, 2011, dismissing numerous additional allegations from the Consolidated Complaint and shortening the class period by approximately six months. (# 86).

On September 7, 2012, Plaintiffs filed a Second Amended Class Action Complaint ("Second Amended Complaint"). (#____) (filed under seal). The Second Amended Complaint seeks to expand the class period by approximately six months, maintains a number of statements previously dismissed by this Court, and seeks to challenge many new statements as allegedly false and misleading that were not part of the Consolidated Complaint. *Id.* The Second Amended Complaint is 204 pages long. *Id.* It

1 contains 442 paragraphs, approximately 242 of which contain new
2 allegations. *Id.* Additionally, the Second Amended Complaint cites
3 approximately 60 documents produced by Defendants and third parties in
4 discovery. *Id.*

5 Pursuant to Fed. R. Civ. P. 15(a)(3), Defendants have until
6 September 24, 2012 to answer or otherwise respond to the Second
7 Amended Complaint. Due to the substantial length of the Second
8 Amended Complaint and the number of new allegations, new statements
9 challenged, and new documents cited, additional time is necessary for
10 Defendants to prepare their response.

11 Counsel for two of the Defendants contacted counsel for
12 Plaintiffs to request a 21-day extension of time to answer or otherwise
13 respond to the Second Amended Complaint. Ex. A, Declaration of
14 Meredith J. Laval ("Laval Decl.") ¶ 3. Counsel for Plaintiffs refused to
15 consent to a 21-day extension without imposing conditions related to other
16 discovery issues. *Id.* Counsel for Defendants explained that, due to the
17 significant volume of new allegations in the Second Amended Complaint,
18 Defendants required additional time to evaluate the Second Amended
19 Complaint and its effect on discovery before conferring on these discovery
20 issues. *Id.* ¶ 4.¹ Counsel for Defendants reiterated their request for
21 agreement to a 21-day extension of time to answer or otherwise respond,
22 which counsel for Plaintiffs refused. *Id.* ¶¶ 4-6; Ex. B, Email
23 correspondence between Meredith J. Laval and Eric Niehaus.

24 _____
25 ¹ To be clear, Defendants are not refusing to meet and confer on discovery
26 issues; they simply require time to evaluate how the substantial changes to
27 the Second Amended Complaint affect this case and discovery. Given that
28 Plaintiffs had not requested any meet and confer on discovery issues for
months, there is no basis for tying what Plaintiffs did not dispute was a
reasonable request for an extension to these issues.

1 For these reasons, Defendants respectfully request that this
2 Court enter an Order extending Defendants' time to answer or otherwise
3 respond to the Second Amended Complaint until October 15, 2012.

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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b) and Section IV of District of Nevada Electronic Filing Procedures, I certify that I am an employee of MORRIS LAW GROUP, and that the following documents were served via electronic service: **MOTION TO EXTEND TIME TO ANSWER OR OTHERWISE RESPOND TO SECOND AMENDED COMPLAINT (First Request)**

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16 DATED this 21st day September, 2012.

17 By Patty Camm

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